

# **EXHIBIT 10**

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and Holtzbrinck Ventures GmbH  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 STUDIVZ LTD., HOLTZBRINCK  
18 NETWORKS GmbH,  
HOLTZBRINCK VENTURES  
19 GmbH, and DOES 1-25,

20 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**STUDIVZ LTD.'S RESPONSES TO  
FACEBOOK, INC.'S FIRST SET OF  
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

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22  
23 PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: STUDIVZ LTD.

25 SET NUMBER: ONE  
26  
27  
28

## **I. GENERAL OBJECTIONS**

A. StudiVZ objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. StudiVZ will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. StudiVZ objects to the Requests on the grounds that they seek discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. StudiVZ has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. StudiVZ objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. StudiVZ objects to the Requests on the grounds that the definition of “STUDIVZ,” “YOU,” and “YOUR” includes StudiVZ’s “directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, AND ALL other persons and entities

1 representing it acting on its behalf, OR purporting to act on its behalf, including  
2 without limitation, Ehassan Dariani and Dennis Bemman.” This is improperly  
3 overbroad generally and is particularly so given that the discovery purports to relate  
4 to personal jurisdiction, since in establishing jurisdiction discovery must be directed  
5 at the party only.

6  
7 E. StudiVZ objects to the Requests on the grounds that their gross  
8 overbreadth would require StudiVZ to incur an unreasonable amount of expense  
9 and time to search for and then produce the requested documents.

10  
11 F. StudiVZ objects to the Requests to the extent they seek documents that  
12 are protected from disclosure by the attorney-client privilege, the attorney work  
13 product doctrine, the right of privacy and/or any other applicable privileges,  
14 doctrines, or immunity from disclosure.

15  
16 G. StudiVZ further objects to the Requests to the extent they attempt or  
17 purport to impose obligations on StudiVZ beyond those set forth in the Federal  
18 Rules of Civil Procedure. All definitions and instructions will be treated as having  
19 no force or effect to the extent they purport to impose obligations on StudiVZ  
20 beyond those set forth in the Federal Rules of Civil Procedure.

21  
22 **REQUEST FOR PRODUCTION NO. 1:**

23 All DOCUMENTS that RELATE TO ANY contracts OR agreements  
24 between YOU AND ANY business licensed, located, based, OR incorporated in  
25 California OR ANY PERSON currently OR formerly residing OR domiciled in  
26 California.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

28 StudiVZ hereby incorporates by reference the general objections set

1 forth above. StudiVZ further objects to this request on the grounds that a plaintiff  
2 is not entitled to take discovery on personal jurisdiction as a matter of right. In  
3 order to do so, Facebook must either make a *prima facie* showing of jurisdiction  
4 over StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
5 Facebook has done neither. StudiVZ further objects to this request on the grounds  
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
7 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
8 unduly burdensome and harassing. StudiVZ further objects to this request on the  
9 grounds that it seeks information that is not relevant nor reasonably calculated to  
10 lead to the discovery of admissible evidence. StudiVZ further objects to this  
11 request on the grounds that it does not exclude contracts of adhesion, which are  
12 irrelevant to any issue of personal jurisdiction or forum non conveniens. StudiVZ  
13 further objects to this request on the grounds that it is not limited to contracts  
14 StudiVZ knew were with businesses or residents located in California. Subject to  
15 and without waiving the foregoing objections, StudiVZ states as follows:

16 After resolution of the issues raised by StudiVZ's general objections and  
17 entry of an appropriate protective order, StudiVZ will agree to produce non-  
18 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)  
19 to which it was a party that were in effect as of July 18, 2008, where the party on  
20 the other side was known by StudiVZ to be a California resident or where the  
21 contract expressly called for application of California law.

22  
23 **REQUEST FOR PRODUCTION NO. 2:**

24 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing  
25 OR domiciled in California, including ALL COMMUNICATIONS.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

27 StudiVZ hereby incorporates by reference the general objections set forth  
28 above. StudiVZ further objects to this request on the grounds that a plaintiff is not

1 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
2 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
3 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
4 Facebook has done neither. StudiVZ further objects to this request on the grounds  
5 that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to  
6 this request on the grounds that it does not know where its USERS reside or where  
7 they are domiciled.  
8

9 **REQUEST FOR PRODUCTION NO. 3:**

10 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between  
11 YOU AND FACEBOOK.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

13 StudiVZ hereby incorporates by reference the general objections set forth  
14 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
17 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
18 Facebook has done neither. StudiVZ further objects to this request on the grounds  
19 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
20 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
21 unduly burdensome and harassing. StudiVZ further objects to this request on the  
22 grounds that it seeks information that is not relevant nor reasonably calculated to  
23 lead to the discovery of admissible evidence. StudiVZ further objects to this  
24 interrogatory to the extent it calls for documents covered by the Nondisclosure  
25 Agreement dated May 9, 2008.  
26

27 **REQUEST FOR PRODUCTION NO. 4:**

28 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of

1 information that is not relevant nor reasonably calculated to lead to the discovery of  
2 admissible evidence. Subject to and without waiving the foregoing objections,  
3 StudiVZ states as follows:

4 After resolution of the issues raised by StudiVZ's general objections and  
5 entry of an appropriate protective order, StudiVZ will agree to produce documents  
6 sufficient to show the number and amount of sales and accounts receivable owed to  
7 StudiVZ by California addresses in May, June and July 2008.

8  
9 **REQUEST FOR PRODUCTION NO. 12:**

10 DOCUMENTS sufficient to show ALL of YOUR current AND former  
11 personal OR real property currently OR previously located in California.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 StudiVZ hereby incorporates by reference the general objections set forth  
14 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
17 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
18 Facebook has done neither. StudiVZ further objects to this request on the grounds  
19 that the definition of "YOU" is grossly overbroad. Subject to and without waiving  
20 the foregoing objections, StudiVZ states as follows:

21 After resolution of the issues raised by StudiVZ's general objections and  
22 entry of an appropriate protective order, StudiVZ will agree to produce documents  
23 sufficient to show any real or personal property it owns in California.

24  
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
5 Facebook has done neither. StudiVZ further objects to this request on the grounds  
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
7 request on the grounds that it so overbroad as to be unduly burdensome and  
8 harassing. StudiVZ further objects to this request on the grounds that it does not  
9 exclude contracts of adhesion. StudiVZ further objects to this request on the  
10 grounds that it seeks information that is not relevant nor reasonably calculated to  
11 lead to the discovery of admissible evidence. Subject to and without waiving the  
12 foregoing objections, StudiVZ states as follows:

13 After resolution of the issues raised by StudiVZ's general objections and  
14 entry of an appropriate protective order, StudiVZ will agree to produce non-  
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)  
16 to which it was a party that were in effect as of July 18, 2008, where the party on  
17 the other side was known by StudiVZ to be a California resident or where the  
18 contract expressly called for application of California law.

19  
20 **REQUEST FOR PRODUCTION NO. 14:**

21 ALL DOCUMENTS RELATED TO instances when YOU accessed  
22 FACEBOOK website, www.facebook.com OR www.thefacebook.com.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 StudiVZ hereby incorporates by reference the general objections set forth  
25 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
27 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
28 StudiVZ, or it must identify material jurisdictional issues that are in dispute.

1 Facebook has done neither. StudiVZ further objects to this request on the grounds  
2 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
3 request on the grounds that it so overbroad as to be unduly burdensome and  
4 harassing. StudiVZ further objects to this request on the grounds that it seeks  
5 information that is not relevant nor reasonably calculated to lead to the discovery of  
6 admissible evidence.

7  
8 **REQUEST FOR PRODUCTION NO. 15:**

9 IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to  
10 do business in California.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

12 StudiVZ hereby incorporates by reference the general objections set forth  
13 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
16 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
17 Facebook has done neither. StudiVZ further objects to this request on the grounds  
18 that the definition of "YOUR" is grossly overbroad. Subject to and without  
19 waiving the foregoing objections, StudiVZ states as follows:

20 After resolution of the issues raised by StudiVZ's general objections and  
21 entry of an appropriate protective order, StudiVZ will agree to produce any of its  
22 licenses or registrations to do business in California as of July 18, 2008.

23  
24 **REQUEST FOR PRODUCTION NO. 16:**

25 ALL DOCUMENTS RELATED TO the services provided by  
26 [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it),  
27 [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net) to USERS OF  
28 STUDIVZ, including how they are provided.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

2 StudiVZ hereby incorporates by reference the general objections set forth  
3 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
4 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
5 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
6 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
7 Facebook has done neither. StudiVZ further objects to this request on the grounds  
8 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
9 harassing. StudiVZ further objects to this request on the grounds that it seeks  
10 information that is not relevant nor reasonably calculated to lead to the discovery of  
11 admissible evidence.  
12

13 **REQUEST FOR PRODUCTION NO. 17:**

14 ALL DOCUMENTS RELATED TO the circumstances surrounding the  
15 formation of STUDIVZ as a company, including filings, investments,  
16 communications, capitalization, directors, officers, attorneys, investors, AND  
17 reasons for the formation.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

19 StudiVZ hereby incorporates by reference the general objections set forth  
20 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. StudiVZ further objects to this request on the grounds  
25 that the definition of "STUDIVZ" is grossly overbroad. StudiVZ further objects to  
26 this request on the grounds that it is unlimited as to time, and is so overbroad as to  
27 be unduly burdensome and harassing. StudiVZ further objects to this request on the  
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 foregoing objections, StudiVZ states as follows:

2 After resolution of the issues raised by StudiVZ's general objections and  
3 entry of an appropriate protective order, StudiVZ will agree to produce documents  
4 sufficient to show who owns StudiVZ.

5  
6 **REQUEST FOR PRODUCTION NO. 22:**

7 ALL DOCUMENTS RELATED TO universities, colleges, high schools,  
8 AND institutes of higher learning located in California at which STUDIVZ  
9 provides OR provided services including without limitation access to  
10 [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it),  
11 [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net), including without  
12 limitation University of California (ALL campuses), California State University  
13 (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g.,  
14 [name@stanford.edu](mailto:name@stanford.edu)) from those universities, colleges, high schools, AND institutes  
15 of higher learning.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

17 StudiVZ hereby incorporates by reference the general objections set forth  
18 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
19 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
20 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
21 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
22 Facebook has done neither. StudiVZ further objects to this request on the grounds  
23 that the definition of "STUDIVZ" is grossly overbroad.

24  
25 **REQUEST FOR PRODUCTION NO. 23:**

26 ALL versions of COMPUTER CODE YOU wrote, programmed OR helped  
27 develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr),  
28 [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 24:**

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studigg.fr](http://www.studigg.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the

1 grounds that it seeks information that is not relevant nor reasonably calculated to  
2 lead to the discovery of admissible evidence.

3  
4 **REQUEST FOR PRODUCTION NO. 25:**

5 ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website,  
6 OR the servers it uses, used, accesses OR accessed.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

8 StudiVZ hereby incorporates by reference the general objections set forth  
9 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
10 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
11 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
12 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
13 Facebook has done neither. StudiVZ further objects to this request on the grounds  
14 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
15 harassing. StudiVZ further objects to this request on the grounds that it seeks  
16 information that is not relevant nor reasonably calculated to lead to the discovery of  
17 admissible evidence.

18  
19 **REQUEST FOR PRODUCTION NO. 26:**

20 ALL COMMUNICATIONS that RELATE TO OR REFER TO  
21 FACEBOOK.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

23 StudiVZ hereby incorporates by reference the general objections set forth  
24 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
25 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
26 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
27 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
28 Facebook has done neither. StudiVZ further objects to this request on the grounds

1 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
2 harassing. StudiVZ further objects to this request on the grounds that it seeks  
3 information that is not relevant nor reasonably calculated to lead to the discovery of  
4 admissible evidence.

5  
6 **REQUEST FOR PRODUCTION NO. 27:**

7 A copy of ALL versions of COMPUTER CODE (including, without  
8 limitation, source code, object code and scripts) YOU wrote, which YOU used OR  
9 use, OR for which YOU paid that was designed to extract information from any  
10 website, including thefacebook.com OR facebook.com.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 StudiVZ hereby incorporates by reference the general objections set forth  
13 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
14 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
15 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
16 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
17 Facebook has done neither. StudiVZ further objects to this request on the grounds  
18 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
19 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
20 unduly burdensome and harassing. StudiVZ further objects to this request on the  
21 grounds that it seeks information that is not relevant nor reasonably calculated to  
22 lead to the discovery of admissible evidence.

23  
24 **REQUEST FOR PRODUCTION NO. 28:**

25 ALL DOCUMENTS related to any account YOU created to access any  
26 FACEBOOK website, including thefacebook.com AND facebook.com.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

28 StudiVZ hereby incorporates by reference the general objections set forth

1 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
4 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
5 Facebook has done neither. StudiVZ further objects to this request on the grounds  
6 that the definition of "YOU" is grossly overbroad. StudiVZ further objects to this  
7 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
8 unduly burdensome and harassing. StudiVZ further objects to this request on the  
9 grounds that it seeks information that is not relevant nor reasonably calculated to  
10 lead to the discovery of admissible evidence.  
11

12 **REQUEST FOR PRODUCTION NO. 29:**

13 ALL COMMUNICATIONS OR DOCUMENTS concerning or that  
14 RELATE TO the use of any server, including proxy server, to access  
15 FACEBOOK's server(s) OR website(s).  
16

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

18 StudiVZ hereby incorporates by reference the general objections set forth  
19 above. StudiVZ further objects to this request on the grounds that a plaintiff is not  
20 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
21 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
22 StudiVZ, or it must identify material jurisdictional issues that are in dispute.  
23 Facebook has done neither. StudiVZ further objects to this request on the grounds  
24 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
25 harassing. StudiVZ further objects to this request on the grounds that it seeks  
26 information that is not relevant nor reasonably calculated to lead to the discovery of  
27 admissible evidence.  
28

**REQUEST FOR PRODUCTION NO. 30:**

ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any of YOUR responses to Interrogatories in this action.


**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

StudiVZ hereby incorporates by reference the general objections set forth above. StudiVZ further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over StudiVZ, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. StudiVZ further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. StudiVZ further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, StudiVZ states as follows:

After resolution of the issues raised by StudiVZ's general objections and entry of an appropriate protective order, StudiVZ will agree to produce the specific documents identified in its interrogatory responses.

DATED: November 17, 2008

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
STEPHEN S. SMITH (SBN 166539)  
Attorneys for Defendants StudiVZ  
Ltd., Holtzbrinck Networks GmbH,  
and Holtzbrinck Ventures GmbH

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**PROOF OF SERVICE**

CCP §1011, CCP §1013a(3)

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On November 17, 2008, I served the foregoing document described as **STUDIVZ LTD.'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

☒ by placing ☒ the **original** ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.  
wparker@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669

Gary E. Weiss, Esq. **(COPY)**  
gweiss@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**BOTH BY E-MAIL AND U.S. MAIL:**

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

**BY PERSONAL SERVICE:**

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Nancy L. Luis

  
SIGNATURE

**PROOF OF SERVICE**

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Attorneys for Defendants  
StudiVZ Ltd., Holtzbrinck Networks GmbH,  
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK  
NETWORKS GmbH,  
HOLTZBRINCK VENTURES  
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**HOLTZBRINCK VENTURES  
GmbH'S RESPONSES TO  
FACEBOOK, INC.'S FIRST SET OF  
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: HOLTZBRINCK VENTURES GmbH

SET NUMBER: ONE

I. GENERAL OBJECTIONS

A. Holtzbrinck Ventures GmbH (“Ventures”) objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. Ventures will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. Ventures objects to the Notice on the grounds that it seeks discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. Ventures has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. Ventures objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. Ventures objects to the Requests on the grounds that the definition of “HOLTZBRINCK VENTURES GmbH,” “YOU” and “YOUR” includes HOLTZBRINCK VENTURES GmbH’s “directors, officers, parents, subsidiaries,

1 predecessors, successors, assigns, agents, servants, employees, investigators,  
2 attorneys, AND ALL other persons and entities representing it acting on its behalf,  
3 OR purporting to act on its behalf.” Ventures further objects to the Requests on  
4 the grounds that the definition of “STUDIVZ” includes StudiVZ’s “directors,  
5 officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants,  
6 employees, investigators, attorneys, AND ALL other persons and entities  
7 representing it acting on its behalf, OR purporting to act on its behalf, including  
8 without limitation, Ehassan Dariani and Dennis Bemman.” These definitions are  
9 improperly overbroad generally and are particularly so given that the discovery  
10 purports to relate to personal jurisdiction, since in establishing jurisdiction  
11 discovery must be directed at the party only.

12  
13 E. Ventures objects to the Requests on the grounds that their gross  
14 overbreadth would require Ventures to incur an unreasonable amount of expense  
15 and time to search for and then produce the requested documents.

16  
17 F. Ventures objects to the Requests to the extent they seek documents  
18 that are protected from disclosure by the attorney-client privilege, the attorney work  
19 product doctrine, the right of privacy and/or any other applicable privileges,  
20 doctrines, or immunity from disclosure.

21  
22 G. Ventures further objects to the Requests to the extent they attempt or  
23 purport to impose obligations on Ventures beyond those set forth in the Federal  
24 Rules of Civil Procedure. All definitions and instructions will be treated as having  
25 no force or effect to the extent they purport to impose obligations on Ventures  
26 beyond those set forth in the Federal Rules of Civil Procedure.

**REQUEST FOR PRODUCTION NO. 1:**

All DOCUMENTS that RELATE TO ANY contracts OR agreements between YOU AND ANY business licensed, located, based, OR incorporated in California OR ANY PERSON currently OR formerly residing OR domiciled in California.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it does not exclude contracts of adhesion, which are irrelevant to any issue of personal jurisdiction or forum non conveniens. Ventures further objects to this request on the grounds that it is not limited to contracts Ventures knew were with businesses or residents located in California. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce non-confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts) to which it was a party that were in effect as of July 18, 2008, where the party on the other side was known by Ventures to be a California resident or where the contract expressly called for application of California law.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing  
3 OR domiciled in California, including ALL COMMUNICATIONS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

5 Ventures hereby incorporates by reference the general objections set forth  
6 above. Ventures further objects to this request on the grounds that a plaintiff is not  
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
9 Ventures, or it must identify material jurisdictional issues that are in dispute.  
10 Facebook has done neither. Ventures further objects to this request on the grounds  
11 that the definition of "STUDIVZ" is grossly overbroad. Ventures further objects to  
12 this request on the grounds that it does not know where StudiVZ's USERS reside or  
13 where they are domiciled.

14  
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between  
17 YOU AND FACEBOOK.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Ventures hereby incorporates by reference the general objections set forth  
20 above. Ventures further objects to this request on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 Ventures, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. Ventures further objects to this request on the grounds  
25 that the definition of "YOU" is grossly overbroad. Ventures further objects to this  
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
27 unduly burdensome and harassing. Ventures further objects to this request on the  
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Ventures further objects to this  
2 request to the extent it calls for documents covered by the Nondisclosure  
3 Agreement dated May 9, 2008.

4  
5 **REQUEST FOR PRODUCTION NO. 4:**

6 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of  
7 goods AND services sold OR provided by YOU to current OR former California  
8 residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 Ventures hereby incorporates by reference the general objections set forth  
11 above. Ventures further objects to this request on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 Ventures, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. Ventures further objects to this request on the grounds  
16 that the definition of "YOU" is grossly overbroad. Ventures further objects to this  
17 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
18 unduly burdensome and harassing. Subject to and without waiving the foregoing  
19 objections, Ventures states as follows:

20 After resolution of the issues raised by Ventures' general objections and  
21 entry of an appropriate protective order, Ventures will agree to produce documents  
22 sufficient to show the number and amount of sales and accounts receivable owed to  
23 Ventures by California addresses in May, June and July 2008.

24  
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE  
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,  
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

1 After resolution of the issues raised by Ventures' general objections and  
2 entry of an appropriate protective order, Ventures will agree to produce documents  
3 sufficient to show the number and amount of sales and accounts receivable owed to  
4 Ventures by California addresses in May, June and July 2008.

5  
6 **REQUEST FOR PRODUCTION NO. 12:**

7 DOCUMENTS sufficient to show ALL of YOUR current AND former  
8 personal OR real property currently OR previously located in California.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

10 Ventures hereby incorporates by reference the general objections set forth  
11 above. Ventures further objects to this request on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 Ventures, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. Ventures further objects to this request on the grounds  
16 that the definition of "YOUR" is grossly overbroad. Subject to and without  
17 waiving the foregoing objections, Ventures states as follows:

18 After resolution of the issues raised by Ventures' general objections and  
19 entry of an appropriate protective order, Ventures will agree to produce documents  
20 sufficient to show any real or personal property it owns in California.

21  
22 **REQUEST FOR PRODUCTION NO. 13:**

23 ALL contracts involving YOU in which California law governs.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

25 Ventures hereby incorporates by reference the general objections set forth  
26 above. Ventures further objects to this request on the grounds that a plaintiff is not  
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it does not exclude contracts of adhesion. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce non-confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts) to which it was a party that were in effect as of July 18, 2008, where the party on the other side was known by Ventures to be a California resident or where the contract expressly called for application of California law.

**REQUEST FOR PRODUCTION NO. 14:**

ALL DOCUMENTS RELATED TO instances when YOU accessed FACEBOOK website, [www.facebook.com](http://www.facebook.com) OR [www.thefacebook.com](http://www.thefacebook.com).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing.

Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 15:**

IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business in California.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOUR" is grossly overbroad. Subject to and without waiving the foregoing objections, Ventures states as follows:

After resolution of the issues raised by Ventures' general objections and entry of an appropriate protective order, Ventures will agree to produce any of its licenses or registrations to do business in California as of July 18, 2008.

**REQUEST FOR PRODUCTION NO. 16:**

ALL DOCUMENTS RELATED TO the services provided by [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net) to USERS OF STUDIVZ, including how they are provided.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not

**REQUEST FOR PRODUCTION NO. 22:**

ALL DOCUMENTS RELATED TO universities, colleges, high schools, AND institutes of higher learning located in California at which STUDIVZ provides OR provided services including without limitation access to [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net), including without limitation University of California (ALL campuses), California State University (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g., [name@stanford.edu](mailto:name@stanford.edu)) from those universities, colleges, high schools, AND institutes of higher learning.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it seeks information about StudiVZ, not Ventures. Ventures further objects to this request on the grounds that Facebook has made no alter ego allegations.

**REQUEST FOR PRODUCTION NO. 23:**

ALL versions of COMPUTER CODE YOU wrote, programmed OR helped develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ventures further objects to this request on the grounds that it does not operate the websites in question.

**REQUEST FOR PRODUCTION NO. 24:**

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be

1 unduly burdensome and harassing. Ventures further objects to this request on the  
2 grounds that it seeks information that is not relevant nor reasonably calculated to  
3 lead to the discovery of admissible evidence. Ventures further objects to this  
4 request on the grounds that it does not operate the websites in question.

5  
6 **REQUEST FOR PRODUCTION NO. 25:**

7 ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website,  
8 OR the servers it uses, used, accesses OR accessed.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

10 Ventures hereby incorporates by reference the general objections set forth  
11 above. Ventures further objects to this request on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 Ventures, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. Ventures further objects to this request on the grounds  
16 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
17 harassing. Ventures further objects to this request on the grounds that it seeks  
18 information that is not relevant nor reasonably calculated to lead to the discovery of  
19 admissible evidence.

20  
21 **REQUEST FOR PRODUCTION NO. 26:**

22 ALL COMMUNICATIONS that RELATE TO OR REFER TO  
23 FACEBOOK.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

25 Ventures hereby incorporates by reference the general objections set forth  
26 above. Ventures further objects to this request on the grounds that a plaintiff is not  
27 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
28 do so, Facebook must either make a *prima facie* showing of jurisdiction over

Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 27:**

A copy of ALL versions of COMPUTER CODE (including, without limitation, source code, object code and scripts) YOU wrote, which YOU used OR use, OR for which YOU paid that was designed to extract information from any website, including thefacebook.com OR facebook.com.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 28:**

ALL DOCUMENTS related to any account YOU created to access any FACEBOOK website, including thefacebook.com AND facebook.com.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 29:**

ALL COMMUNICATIONS OR DOCUMENTS concerning or that RELATE TO the use of any server, including proxy server, to access FACEBOOK's server(s) OR website(s).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

Ventures hereby incorporates by reference the general objections set forth above. Ventures further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Ventures, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Ventures further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Ventures further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

1 DATED: November 17, 2008

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By: 

STEPHEN S. SMITH (SBN 166539)  
Attorneys for Defendants StudiVZ  
Ltd., Holtzbrinck Networks GmbH,  
and Holtzbrinck Ventures GmbH

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**PROOF OF SERVICE**  
CCP §1011, CCP §1013a(3)

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK VENTURES GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the interested parties in this action

☒ by placing ☒ the **original** ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Warrington S. Parker, Esq. **(ORIGINAL)** Attorneys for Plaintiff Facebook, Inc.  
wparker@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669

Gary E. Weiss, Esq. **(COPY)**  
gweiss@orrick.com  
Orrick, Herrington & Sutcliffe LLP  
1000 Marsh Road  
Menlo Park, CA 94025

**BOTH BY E-MAIL AND U.S. MAIL:**

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S. Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

**BY PERSONAL SERVICE:**

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
Nancy L. Luis

\_\_\_\_\_  
*Nancy L. Luis*  
SIGNATURE

**PROOF OF SERVICE**

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Attorneys for Defendants  
StudiVZ Ltd., Holtzbrinck Networks GmbH,  
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

STUDIVZ LTD., HOLTZBRINCK  
NETWORKS GmbH,  
HOLTZBRINCK VENTURES  
GmbH, and DOES 1-25,

Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

**HOLTZBRINCK NETWORKS  
GmbH'S RESPONSES TO  
FACEBOOK, INC.'S FIRST SET OF  
REQUESTS FOR PRODUCTION**

Complaint Filed: July 18, 2008

PROPOUNDING PARTY: FACEBOOK, INC.

RESPONDING PARTY: HOLTZBRINCK NETWORKS GmbH

SET NUMBER: ONE

I. GENERAL OBJECTIONS

A. Holtzbrinck Networks GmbH (“Networks”) objects to the Requests for Production (“Requests”) on the grounds that Facebook seeks the right to use evidence obtained in this action in the action pending between Facebook and StudiVZ in Germany (the “German Action”). It is improper under established law to use this lawsuit or this Court as vehicles to obtain discovery for use in a foreign case when that evidence is located outside the United States, as it is here. It is also inconsistent with the District Court’s form protective order. Networks will not produce evidence absent the protective order it has requested from the Court, requiring the evidence to be used only in this action.

B. Networks objects to the Notice on the grounds that it seeks discovery that goes to the merits and is not confined to disputed jurisdictional issues, which is improper given that there are currently pending motions to dismiss all defendants for lack of personal jurisdiction. Networks has filed a motion for a protective order to prevent any discovery on any issue other than material, disputed issues of personal jurisdiction while the motions to dismiss remain pending.

C. Networks objects to the Requests on the grounds that they would require violation of the privacy rights of its employees and its customers as embodied in the German Constitution and the German Federal Data Protection Act (BDSG).

D. Networks objects to the Requests on the grounds that the definition of “HOLTZBRINCK NETWORKS GmbH,” “YOU,” and “YOUR” includes Networks’ “directors, officers, parents, subsidiaries, predecessors, successors, assigns, agents, servants, employees, investigators, attorneys, AND ALL other

1 persons and entities representing it acting on its behalf, OR purporting to act on its  
2 behalf.” Networks further objects to the Requests on the grounds that the definition  
3 of “STUDIVZ” includes StudiVZ’s “directors, officers, parents, subsidiaries,  
4 predecessors, successors, assigns, agents, servants, employees, investigators,  
5 attorneys, AND ALL other persons and entities representing it acting on its behalf,  
6 OR purporting to act on its behalf, including without limitation, Ehassan Dariani  
7 and Dennis Bemman.” These definitions are improperly overbroad generally and  
8 are particularly so given that the discovery purports to relate to personal  
9 jurisdiction, since in establishing jurisdiction discovery must be directed at the  
10 party only.

11  
12 E. Networks objects to the Requests on the grounds that their gross  
13 overbreadth would require Networks to incur an unreasonable amount of expense  
14 and time to search for and then produce the requested documents.

15  
16 F. Networks objects to the Requests to the extent they seek documents  
17 that are protected from disclosure by the attorney-client privilege, the attorney work  
18 product doctrine, the right of privacy and/or any other applicable privileges,  
19 doctrines, or immunity from disclosure.

20  
21 G. Networks further objects to the Requests to the extent they attempt or  
22 purport to impose obligations on Networks beyond those set forth in the Federal  
23 Rules of Civil Procedure. All definitions and instructions will be treated as having  
24 no force or effect to the extent they purport to impose obligations on Networks  
25 beyond those set forth in the Federal Rules of Civil Procedure.

26  
27 **REQUEST FOR PRODUCTION NO. 1:**

28 All DOCUMENTS that RELATE TO ANY contracts OR agreements

1 between YOU AND ANY business licensed, located, based, OR incorporated in  
2 California OR ANY PERSON currently OR formerly residing OR domiciled in  
3 California.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

5 Networks hereby incorporates by reference the general objections set forth  
6 above. Networks further objects to this request on the grounds that a plaintiff is not  
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
9 Networks, or it must identify material jurisdictional issues that are in dispute.  
10 Facebook has done neither. Networks further objects to this request on the grounds  
11 that the definition of "YOU" is grossly overbroad. Networks further objects to this  
12 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
13 unduly burdensome and harassing. Networks further objects to this request on the  
14 grounds that it seeks information that is not relevant nor reasonably calculated to  
15 lead to the discovery of admissible evidence. Networks further objects to this  
16 request on the grounds that it does not exclude contracts of adhesion, which are  
17 irrelevant to any issue of personal jurisdiction or forum non conveniens. Networks  
18 further objects to this request on the grounds that it is not limited to contracts  
19 Networks knew were with businesses or residents located in California. Subject to  
20 and without waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks' general objections and  
22 entry of an appropriate protective order, Networks will agree to produce non-  
23 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)  
24 to which it was a party that were in effect as of July 18, 2008, where the party on  
25 the other side was known by Networks to be a California resident or where the  
26 contract expressly called for application of California law.

1 **REQUEST FOR PRODUCTION NO. 2:**

2 All DOCUMENTS that RELATE TO ANY USER OF STUDIVZ residing  
3 OR domiciled in California, including ALL COMMUNICATIONS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

5 Networks hereby incorporates by reference the general objections set forth  
6 above. Networks further objects to this request on the grounds that a plaintiff is not  
7 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
8 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
9 Networks, or it must identify material jurisdictional issues that are in dispute.  
10 Facebook has done neither. Networks further objects to this request on the grounds  
11 that the definition of "STUDIVZ" is grossly overbroad. Networks further objects  
12 to this request on the grounds that it does not know where StudiVZ's USERS reside  
13 or where they are domiciled.

14  
15 **REQUEST FOR PRODUCTION NO. 3:**

16 ALL DOCUMENTS that RELATE TO ANY COMMUNICATION between  
17 YOU AND FACEBOOK.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Networks hereby incorporates by reference the general objections set forth  
20 above. Networks further objects to this request on the grounds that a plaintiff is not  
21 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
22 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
23 Networks, or it must identify material jurisdictional issues that are in dispute.  
24 Facebook has done neither. Networks further objects to this request on the grounds  
25 that the definition of "YOU" is grossly overbroad. Networks further objects to this  
26 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
27 unduly burdensome and harassing. Networks further objects to this request on the  
28 grounds that it seeks information that is not relevant nor reasonably calculated to

1 lead to the discovery of admissible evidence. Networks further objects to the extent  
2 that it calls for documents covered by the Nondisclosure Agreement dated May 9,  
3 2008.

4  
5 **REQUEST FOR PRODUCTION NO. 4:**

6 DOCUMENTS sufficient to IDENTIFY the number AND amount of sales of  
7 goods AND services sold OR provided by YOU to current OR former California  
8 residents, including PERSONS, businesses, AND USERS OF STUDIVZ.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

10 Networks hereby incorporates by reference the general objections set forth  
11 above. Networks further objects to this request on the grounds that a plaintiff is not  
12 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
13 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
14 Networks, or it must identify material jurisdictional issues that are in dispute.  
15 Facebook has done neither. Networks further objects to this request on the grounds  
16 that the definition of "YOU" is grossly overbroad. Networks further objects to this  
17 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
18 unduly burdensome and harassing. Subject to and without waiving the foregoing  
19 objections, Networks states as follows:

20 After resolution of the issues raised by Networks' general objections and  
21 entry of an appropriate protective order, Networks will agree to produce documents  
22 sufficient to show the number and amount of sales and accounts receivable owed to  
23 Networks by California addresses in May, June and July 2008.

24  
25 **REQUEST FOR PRODUCTION NO. 5:**

26 DOCUMENTS THAT RELATE TO the relationship of VERLAGSGRUPPE  
27 GEORG VON HOLTZBRINCK GmBH, HOLTZBRINCK NETWORKS GmBH,  
28 AND HOLTZBRINCK VENTURES GmBH to OR with STUDIVZ, including

1 information that is not relevant nor reasonably calculated to lead to the discovery of  
2 admissible evidence. Subject to and without waiving the foregoing objections,  
3 Networks states as follows:

4 After resolution of the issues raised by Networks' general objections and  
5 entry of an appropriate protective order, Networks will agree to produce documents  
6 sufficient to show the number and amount of sales and accounts receivable owed to  
7 Networks by California addresses in May, June and July 2008.

8  
9 **REQUEST FOR PRODUCTION NO. 12:**

10 DOCUMENTS sufficient to show ALL of YOUR current AND former  
11 personal OR real property currently OR previously located in California.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 Networks hereby incorporates by reference the general objections set forth  
14 above. Networks further objects to this request on the grounds that a plaintiff is not  
15 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
16 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
17 Networks, or it must identify material jurisdictional issues that are in dispute.  
18 Facebook has done neither. Networks further objects to this request on the grounds  
19 that the definition of "YOUR" is grossly overbroad. Subject to and without  
20 waiving the foregoing objections, Networks states as follows:

21 After resolution of the issues raised by Networks' general objections and  
22 entry of an appropriate protective order, Networks will agree to produce documents  
23 sufficient to show any real or personal property it owns in California.

24  
25 **REQUEST FOR PRODUCTION NO. 13:**

26 ALL contracts involving YOU in which California law governs.

27 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

28 Networks hereby incorporates by reference the general objections set forth

1 above. Networks further objects to this request on the grounds that a plaintiff is not  
2 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
3 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
4 Networks, or it must identify material jurisdictional issues that are in dispute.  
5 Facebook has done neither. Networks further objects to this request on the  
6 grounds that the definition of "YOU" is grossly overbroad. Networks further  
7 objects to this request on the grounds that it so overbroad as to be unduly  
8 burdensome and harassing. Networks further objects to this request on the grounds  
9 that it does not exclude contracts of adhesion. Networks further objects to this  
10 request on the grounds that it seeks information that is not relevant nor reasonably  
11 calculated to lead to the discovery of admissible evidence. Subject to and without  
12 waiving the foregoing objections, Networks states as follows:

13 After resolution of the issues raised by Networks' general objections and  
14 entry of an appropriate protective order, Networks will agree to produce non-  
15 confidential portions, if any, of the negotiated contracts (i.e. not adhesion contracts)  
16 to which it was a party that were in effect as of July 18, 2008, where the party on  
17 the other side was known by Networks to be a California resident or where the  
18 contract expressly called for application of California law.

19  
20 **REQUEST FOR PRODUCTION NO. 14:**

21 ALL DOCUMENTS RELATED TO instances when YOU accessed  
22 FACEBOOK website, www.facebook.com OR www.thefacebook.com.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 Networks hereby incorporates by reference the general objections set forth  
25 above. Networks further objects to this request on the grounds that a plaintiff is not  
26 entitled to take discovery on personal jurisdiction as a matter of right. In order to do  
27 so, Facebook must either make a *prima facie* showing of jurisdiction over  
28 Networks, or it must identify material jurisdictional issues that are in dispute.

Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 15:**

IDENTIFY ALL of YOUR licenses OR registrations regarding the ability to do business in California.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOUR" is grossly overbroad. Subject to and without waiving the foregoing objections, Networks states as follows:

After resolution of the issues raised by Networks' general objections and entry of an appropriate protective order, Networks will agree to produce any of its licenses or registrations to do business in California as of July 18, 2008.

**REQUEST FOR PRODUCTION NO. 16:**

ALL DOCUMENTS RELATED TO the services provided by [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net) to USERS OF STUDIVZ, including how they are provided.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

**REQUEST FOR PRODUCTION NO. 17:**

ALL DOCUMENTS RELATED TO ANY transaction OR transactions whereby HOLTZBRINCK NETWORKS GmbH invested in, gave money to, OR obtained an interest in STUDIVZ, including filings AND communications.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "HOLTZBRINCK NETWORKS GmbH" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks

**REQUEST FOR PRODUCTION NO. 22:**

ALL DOCUMENTS RELATED TO universities, colleges, high schools, AND institutes of higher learning located in California at which STUDIVZ provides OR provided services including without limitation access to [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net), including without limitation University of California (ALL campuses), California State University (ALL campuses), as well as the USERS OF STUDIVZ using email domains (e.g., [name@stanford.edu](mailto:name@stanford.edu)) from those universities, colleges, high schools, AND institutes of higher learning.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it seeks information about StudiVZ, not Networks. Networks further objects to this request on the grounds that Facebook has made no alter ego allegations.

**REQUEST FOR PRODUCTION NO. 23:**

ALL versions of COMPUTER CODE YOU wrote, programmed OR helped develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqq.fr](http://www.studiqq.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

**REQUEST FOR PRODUCTION NO. 24:**

A copy of ALL executable versions of COMPUTER CODE YOU use, used, developed OR helped develop that RELATES TO [www.studivz.net](http://www.studivz.net), [www.meinvz.net](http://www.meinvz.net), [www.studiqg.fr](http://www.studiqg.fr), [www.studiln.it](http://www.studiln.it), [www.estudiln.net](http://www.estudiln.net), [www.studentix.pl](http://www.studentix.pl), AND [www.schuelervz.net](http://www.schuelervz.net).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be

unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Networks further objects to this request on the grounds that it does not operate the websites in question.

**REQUEST FOR PRODUCTION NO. 25:**

ALL COMMUNICATIONS that RELATE TO FACEBOOK, its website, OR the servers it uses, used, accesses OR accessed.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 26:**

ALL COMMUNICATIONS that RELATE TO OR REFER TO FACEBOOK.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over

1 Networks, or it must identify material jurisdictional issues that are in dispute.  
2 Facebook has done neither. Networks further objects to this request on the grounds  
3 that it is unlimited as to time, and is so overbroad as to be unduly burdensome and  
4 harassing. Networks further objects to this request on the grounds that it seeks  
5 information that is not relevant nor reasonably calculated to lead to the discovery of  
6 admissible evidence.

7  
8 **REQUEST FOR PRODUCTION NO. 27:**

9 A copy of ALL versions of COMPUTER CODE (including, without  
10 limitation, source code, object code and scripts) YOU wrote, which YOU used OR  
11 use, OR for which YOU paid that was designed to extract information from any  
12 website, including thefacebook.com OR facebook.com.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

14 Networks hereby incorporates by reference the general objections set forth  
15 above. Networks further objects to this request on the grounds that a plaintiff is not  
16 entitled to take discovery on personal jurisdiction as a matter of right. In order to  
17 do so, Facebook must either make a *prima facie* showing of jurisdiction over  
18 Networks, or it must identify material jurisdictional issues that are in dispute.  
19 Facebook has done neither. Networks further objects to this request on the grounds  
20 that the definition of "YOU" is grossly overbroad. Networks further objects to this  
21 request on the grounds that it is unlimited as to time, and is so overbroad as to be  
22 unduly burdensome and harassing. Networks further objects to this request on the  
23 grounds that it seeks information that is not relevant nor reasonably calculated to  
24 lead to the discovery of admissible evidence.

25  
26 **REQUEST FOR PRODUCTION NO. 28:**

27 ALL DOCUMENTS related to any account YOU created to access any  
28 FACEBOOK website, including thefacebook.com AND facebook.com.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that the definition of "YOU" is grossly overbroad. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 29:**

ALL COMMUNICATIONS OR DOCUMENTS concerning or that RELATE TO the use of any server, including proxy server, to access FACEBOOK's server(s) OR website(s).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 30:**

ALL DOCUMENTS reflecting, associated with, OR that RELATE TO any of YOUR responses to Interrogatories in this action.


**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Networks hereby incorporates by reference the general objections set forth above. Networks further objects to this request on the grounds that a plaintiff is not entitled to take discovery on personal jurisdiction as a matter of right. In order to do so, Facebook must either make a *prima facie* showing of jurisdiction over Networks, or it must identify material jurisdictional issues that are in dispute. Facebook has done neither. Networks further objects to this request on the grounds that it is unlimited as to time, and is so overbroad as to be unduly burdensome and harassing. Networks further objects to this request on the grounds that it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Networks states as follows:

After resolution of the issues raised by Networks' general objections and entry of an appropriate protective order, Networks will agree to produce the specific documents identified in its interrogatory responses.

DATED: November 17, 2008

GREENBERG GLUSKER FIELDS  
CLAMAN & MACHTINGER LLP

By:   
STEPHEN S. SMITH (SBN 166539)  
Attorneys for Defendants StudiVZ  
Ltd., Holtzbrinck Networks GmbH,  
and Holtzbrinck Ventures GmbH

1 **PROOF OF SERVICE**  
2 CCP §1011, CCP §1013a(3)

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am employed in the county of Los Angeles, State of California.

5 I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the  
6 Stars, Suite 2100, Los Angeles, California 90067-4590.

7 On November 17, 2008, I served the foregoing document described as **HOLTZBRINCK NETWORKS**  
8 **GmbH'S RESPONSES TO FACEBOOK, INC.'S FIRST SET OF REQUESTS FOR PRODUCTION** on the  
9 interested parties in this action

10 ☒ by placing ☒ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

11 Warrington S. Parker, Esq. (ORIGINAL) Attorneys for Plaintiff Facebook, Inc.  
12 wparker@orrick.com  
13 Orrick, Herrington & Sutcliffe LLP  
14 The Orrick Building  
15 405 Howard Street  
16 San Francisco, CA 94105-2669

17 Gary E. Weiss, Esq. (COPY)  
18 gweiss@orrick.com  
19 Orrick, Herrington & Sutcliffe LLP  
20 1000 Marsh Road  
21 Menlo Park, CA 94025

22 **BOTH BY E-MAIL AND U.S. MAIL:**

23 ☒ As follows: I am "readily familiar" with the firm's practice of collection and processing  
24 correspondence for mailing. Under that practice it would be deposited with U.S. postal service  
25 on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary  
26 course of business. I am aware that on motion of the party served, service is presumed invalid if  
27 postal cancellation date or postage meter date is more than one day after date of deposit for  
28 mailing in affidavit. A true and correct copy of the document was also e-mailed to Warrington S.  
Parker, Esq. at wparker@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on November 17, 2008, at Los Angeles, California.

**BY PERSONAL SERVICE:**

☐ I delivered such envelope by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Los Angeles, California.

☒ (Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction  
the service was made.

Nancy L. Luis

  
SIGNATURE

**PROOF OF SERVICE**